IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6038 of 2006()

CRIME NO.379/2006 OF PATHANAPURAM POLICE STATION.

PETITIONER/3RD ACCUSED

SHIBIN THOMAS, AGED 23,
S/O.THOMAS, ALUVILA HOUSE,
NEAR CASHEW FACTORY, PATTAZHI, VADAKKEKARA.

BY ADV. SRI.S.MUHAMMED HANEEFF
SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
PATHANAPURAM POLICE STATION,
(CRIME NO.379 OF 2006),
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6038 of 2006

Dated this the 12th October, 2006.

O R D E R

Petitioner is the 3rd accused in Crime No.379/2006 of Pathanapuram Police Station, for the offence punishable under Sections 323, 324 and 392 IPC, read with Section 34 IPC. The prosecution alleges that the petitioner had assaulted one Gopi, and also committed theft of Rs.1555/= from his possession. Gopi informed the same to Philip Mathew, a relative of the second accused. Philip Mathew enquired about the incident to the accused. First accused, at that time, took out a broken piece of glass and assaulted the de facto complainant. Accused 2 and 3 had wrongfully restrained him. Hence, the above crime has been registered. Petitioner are now before this Court under Section 438 Cr.P.C.

2. After hearing both sides, and considering the facts that are placed before me, I dispose of the application, directing the petitioner, 3rd accused, to surrender before the Investigating Officer of Pathanapuram Police Station, who is investigating the Crime No.379/2006 of that police station, on 19.10.2006, between 9 and 10 a.m.

3. The investigating officer shall interrogate the petitioner, and thereafter produce him before the court below, as per the law.

4. The learned Magistrate shall hear both the prosecution, as well as the petitioner, and pass orders on merit, on the date of production itself.

J.M. JAMES,
JUDGE

nj.